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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/893,431

06/29/2001

Henrik F. Bernheim

HAR66 823

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04/21/2005

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EXAMINER

MURPHY, RHONDA L

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary

Application No.

09/893,431

Applicant(s)

BERNHEIM, HENRIK F.

Examiner

Rhonda Murphy

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,9-22,26-29,33-38,46-59,63-65 and 68-73 is/are rejected.
- 7) ☒ Claim(s) 2-8,23-25,30-32,39-45,60-62,66 and 67 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. An oath or declaration has not been submitted with the instant application.

Applicant is required to submit an oath or declaration.

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 9 contains handwritten corrections. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9-13, 15-19, 26, 28-29, 35-38, 46-50, 52-56, 63-65, 68 and 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zendle (US 6,865,170) in view of Carney (US 6,011,785).

Regarding claims 1 and 38, Zendle teaches a point to multipoint wireless communication system between a hub site and remote nodes (col. 4, lines 49-55); the

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communication system comprises a hub (Fig. 7, 704) and multiple remote subscriber systems (nodes -716) located within a sector communicating with hub radio equipment to establish wireless links between the hub and subscribers (col. 7, lines 5-11). The subscribers include interfaces to connect to remote value added service nodes (remote computers systems), (col. 5, lines 7-10); and the hub includes: indoor units 622 with line cards (signal processors) coupled to antennas (602; col. 6, lines 42-44), and a hub controller 626 connected to an external computer system via the backbone (col. 6, lines 45-49; see Fig. 6B).

Zendle does not explicitly disclose a bus structure connected to the indoor units (signal processors) and the controller.

However, Carney teaches a bus structure (Fig. 1, bus 17) connected to digital signal processors (18) and controller (30). Carney also teaches adding more DSPs to support additional channels as traffic increases (col. 3, lines 57-60).

In view of this, it would have been obvious to one skilled in the art to include such bus structure and insertion of additional processors, for the purpose of increasing the communication capacity at the hub site, in order to meet the additional bandwidth requirements.

Regarding claims 9, 35, 46 and 71, Zendle further teaches modulation techniques that provide significant increase in available bandwidth per channel (col. 8, lines 22-23).

Although, Zendle does not explicitly describe the signal processor as a modem,

Examiner takes official notice that it is well known in the art that modems are communication processors used to modulate data into a form suitable for transmission.

Thus for this reason, it would have been obvious to one skilled in the art to include modems as the communication signal processor.

Regarding claims 10, 11, 36, 47, 48 and 72, in addition to the teachings described in the above rejection of claim 9, Examiner takes official notice that it is well known in the art for modems to be multiport modems and capable of providing communications at multiple levels of information density. Therefore, it would have been obvious to one skilled in the art to include multiport modems that provide various levels of information density, for the purpose of providing data rates that optimizes bandwidth usage.

Regarding claims 12 and 49, in addition to the teachings described in the above rejection of claim 11, Zendle further teaches the hub controller managing the operation and data transfer within the hub site (col. 6, lines 45-48).

Regarding claims 13, 50 and 68, Zendle further teaches antennas transmitting to sectors with a beamwidth from 15 to 90 degrees wide (col. 6, lines 11-18).

Regarding claims 15 and 52, Zendle further teaches radios operating in the millimeter frequency range (col. 1, lines 11-18).

Regarding claims 16 and 53, Zendle further teaches first and second sectors operating on a first and second frequency, where the first and second frequencies are separated thereby minimizing co-channel interference (see claim 1 and col. 3, lines 25-33).

Regarding claims 17 and 54, Zendle teaches sectors operating in different communication channels. Zendle does not disclose a CDMA channel as one of the communication channels.

However, Carney teaches use of CDMA channels made available and processed by the processors (col. 10, lines 54-57).

In view of this, it would have been obvious to one skilled in the art to include CDMA channels in the sectors, for the purpose of providing orthogonal signals to isolate the signals in different sectors, thereby avoiding interference and allowing for a secure transmission.

Regarding claims 18, 19, 55 and 56, Zendle further teaches TDMA and FDMA channels (col. 9, lines 12-17).

Regarding claims 26 and 63, Zendle further teaches the communication system of claims 1 and 38 comprising multiple hubs (see Fig. 7).

Regarding claims 28 and 64, the combined system of Zendle and Carney teach the same limitations described in the rejection of claim 1. In addition, Zendle teaches a point to multipoint system operating in the millimeter microwave radio range with a broadband backbone network (col. 1, lines 11-18), wherein the system is adapted to provide levels of communication capacity between the hub and nodes by adding an additional hub radio unit 620 and antenna for a sector (col. 7, lines 9-17).

Regarding claims 29 and 65, Zendle and Carney both teach a system comprising radio modules and signal processors. The number of radio modules and signal processors utilized is merely a design choice. Therefore, it would have been obvious to one skilled in the art to develop a system using more radio modules than signal processors, for the purpose of having equipment available to deliver services in the event of an expansion.

Regarding claims 37 and 73, Zendle teaches communication signal processors as indoor units with line cards (Fig. 8), but fails to explicitly disclose an expandable bus structure.

However, Carney teaches DSPs added to the base station via an expandable bus structure (Fig. 1, col. 3, lines 57-60).

In view of this, it would have been obvious to one skilled in the art to include such bus structure, for the purpose of increasing the communication capacity at the hub site, in order to meet the additional bandwidth requirements.

3. Claims 20-22 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zendle and Carney, in view of Stanwood et al. (US 6,731,946).

Regarding claims 20-22 and 57-59, the combined system of Zendle and Carney teach a TDMA communication channel. Zendle and Carney fail to teach an asymmetric time division duplexed (TDD) channel wherein the asymmetry is dynamically adjustable.

However, Stanwood teaches an asymmetric TDD system since the TDD frame is divided into a downlink time and uplink time (col. 29, lines 8-10). In addition, the system is an adaptive TDD system that dynamically adjusts the number of time slots allocated to uplink and downlink times (col. 29, lines 12-16).

In view of this, it would have been obvious to one skilled in the art to include an asymmetric dynamically adjustable TDD channel, in order to provide the most efficient transfer of data from one location to another.

4. Claims 14, 27, 33, 34, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zendle and Carney, in view of Foster, Jr. et al. (US 6,016,313).

Regarding claims 14, 34 and 70, the combined system of Zendle and Carney teach a communication system comprising radio modules. Zendle and Carney fail to teach a common intermediate frequency and radios operating using a radio frequency different than that of the other radios.

However, Foster teaches adjusting various intermediate frequencies of the different modems to a common intermediate frequency (col. 11, lines 31-43). Foster also teaches each antenna including a tuner to convert the IF to the desired RF for radio communication. Thus, providing different radio frequencies.

In view of this, it would have been obvious to one skilled in the art to include a common IF and different radio frequencies, in order to provide a more efficient means of up-converting and/or down-converting signals.

Regarding claims 27, Zendle and Carney teach the same limitations as described in the rejection of claim 1. Furthermore, Zendle teaches a hub connected to service nodes (computer networks) for the communication of data (Fig. 7, col. 6, lines 61-67). Although Zendle teaches multiple nodes spaced apart from the hub, Zendle does not teach the nodes connected to a computer network different than the computer network connected to the hub.

However, Foster teaches a plurality of nodes (Fig. 6, 150-152) connected to a computer network other than that which is connected to the hub (Fig. 6, network 110, 120, 130).

In view of this, it would have been obvious to one skilled in the art to allow the nodes to connect to another computer network, for the purpose of expanding its communication capabilities to other systems that are not associated with the hub.

Regarding claims 33 and 69, the combined system of Zendle and Carney teach a communication system comprising radio modules. Zendle and Carne fail to teach each radio modules operating at the same intermediate frequency.

However, Foster teaches adjusting various intermediate frequencies of the different modems to a common intermediate frequency (col. 11, lines 31-43).

In view of this, it would have been obvious to one skilled in the art to include radio modules with a common IF, in order to provide a more efficient means of up-converting and/or down-converting signals.

Allowable Subject Matter

5. Claims 2-8, 23-25, 30-32, 39-45, 60-62, 66-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Kay et al. (US 2004/0246891) discloses air interface frame formatting.

*Johnson et al. (US 2002/0077152) discloses wireless communication methods and system using multiple overlapping sectorized cells.

*Clark (US 5,960,074) discloses a mobile tele-computer network for motion picture, television and TV advertising production.

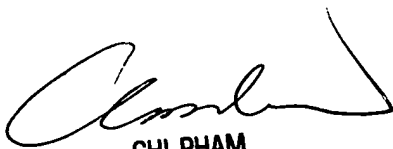
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rhonda Murphy
Examiner
Art Unit 2667

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2667 4/11/08